

The Individualized Education Program

A Special Educator's Guide to the Individualized Education Plan Process



**Prepared by the Montana Office of Public Instruction
Linda McCulloch, Superintendent
Division of Special Education
PO Box 202501
Helena, MT 59620-2501**

October 2007

Technical Assistance Guides are developed by the Division of Special Education to provide guidance to schools, parents and advocates regarding eligibility for and the implementation of services to students with disabilities under the Individuals with Disabilities Education Act, the Administrative Rules of Montana and Montana statutes.

This document contains recommended practices and procedures that may enhance the services to children and youth with disabilities. All policy statements regarding the delivery of special education and related services are contained in the current *Montana State Plan Under the Individuals with Disabilities Education Act*.

This guide is intended to help special education teachers with developing and writing Individualized Education Programs (IEPs). The guide is not intended to answer every possible question regarding IEPs, but to provide answers and examples for general questions about the IEP process and forms.

This guide was updated in October 2007 to reflect changes resulting from IDEA 2004. This is version three of the guide.

If you have questions regarding the IEP process after reviewing this guide, please contact the Division of Special Education at 444-5661.

Comments, additional questions or suggestions regarding this guide may be sent to:

ddoty@mt.gov

or

IEP Guide Changes
Montana Office of Public Instruction
Division of Special Education
PO Box 202501
Helena, MT 59620-2501

Please visit our web site at:

opi.mt.gov/speced/

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Common Questions About the IEP Form

Some questions below reference federal (CFR) and/or state (ARM) rules and regulations that you should review for more detailed information.

Student Name	Initials	Birth Date	Age	Gender M F	Grade	Today's Date
District / School	Last Reevaluation					
	IEP Manager and Phone Number					
Parent(s)' Name	Parent(s)' Address				Home Phone	
	E-mail				Work Phone / Cell Phone	

- 1. Can the “Duration of the IEP” be for less than 12 months? For example, if an IEP team wishes to review an IEP and make changes at the end of a school year, can the duration of the IEP be from 10/1/07 to 5/31/08?**

A better plan is to schedule the duration of the IEP for 12 months, since the IEP team may meet at any time within the duration of the IEP to review and revise the IEP. An IEP may have a duration of no more than 12 months. However, at the beginning of each school year, an IEP must be in effect for each child with a disability. The IEP must be in effect before special education and related services are provided to an eligible child. If the IEP team is unable to meet (due to scheduling conflicts or for other reasons), prior to the end of the school year, the district will not have an IEP in effect for that student at the beginning of the following school year.

CFR 300.323 When IEPs must be in effect.

CFR 300.324 Development, review, and revision of IEP.

Optional Child Count Information: Disability Category:	Race and Ethnicity:
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- 2. What do we do if the parent refuses to provide this information about Race and Ethnicity?**

This area of the IEP form is optional and the information does not need to be included.

- 3. How do we determine a student's Race?**

That information should be provided by the student or the student's parents.

- 4. The form asks for a “Disability Category.” How should this information be entered for a student who has multiple disabilities?**

Include each of the disabilities identified in the student's current Eligibility Determination report.

STRENGTHS, EDUCATIONAL CONCERNS AND PREFERENCES/INTERESTS

Strengths, Preferences and Interests - Student's Perspective

Student Strengths

Parents: _____

School Staff: _____

Educational Concerns

Parents: _____

School Staff: _____

5. How do we include information from parents if they do not attend the IEP?

This area of the IEP form can include information that was obtained from parents prior to the IEP meeting, as well as at the IEP meeting. Information might be gathered from discussion with parents, as well as from parent surveys or other methods.

CONSIDERATION OF SPECIAL FACTORS

	YES	NO
• Does the student's behavior impede his/her learning or that of others?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student have communication needs?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student require assistive technology devices or services?	<input type="checkbox"/>	<input type="checkbox"/>
• Has the student been determined to be "Limited English Proficient"?	<input type="checkbox"/>	<input type="checkbox"/>

Any item above checked "Yes" must be addressed in the IEP.

For a student with blindness or visual impairment ☐ N/A

	YES	NO
• Does the student need training in orientation and mobility?	<input type="checkbox"/>	<input type="checkbox"/>

If "Yes" is checked, training must be addressed in the IEP.

• Does the student need instruction in Braille or the use of Braille?	<input type="checkbox"/>	<input type="checkbox"/>
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If "No" is checked, describe in the notes why instruction in Braille or the use of Braille is not appropriate. This decision must be based on evaluation results.

6. If a student receives speech/language services, should "Yes" be checked for "Does the student have communication needs?"

"Yes" should be checked only if the student's language and communication difficulties impede or inhibit his or her communication with others. For example, if a student is receiving speech and language services for substitutions (pronouncing "frog" as "fwog"), the student would likely be able to communicate with others.

CFR 300.324 Development, review, and revision of IEP

TRANSITION SERVICES

For ALL students beginning with the IEP to be in effect when the child is 16 and updated annually thereafter.

STUDENT'S DESIRED POST-SCHOOL ACTIVITIES:

(In the areas of postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation)

RESULTS OF AGE-APPROPRIATE TRANSITION ASSESSMENTS: (☐ Results Attached)

EDUCATION: _____ (Further information on transition assessments can be found on page 26)

EMPLOYMENT: _____

TRAINING: _____

INDEPENDENT LIVING SKILLS (if appropriate): _____

7. At what age must the IEP address postsecondary transition?

Beginning with the annual IEP during which the student will turn age 16.

8. Do the transition pages need to be included in the IEP if the student is less than age 16 and the IEP team does not feel that it is appropriate to address transition for the student at this time?

No. Transition must be addressed beginning with the annual IEP during which the student will turn age 16.

9. What are the requirements regarding the participation of a student in an IEP meeting?

The public agency must invite a student with a disability to attend the IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching the postsecondary goals.

If the student does not attend, the public agency must take other steps to ensure that the student's strengths, preferences and interests are considered.

CFR 300.321 IEP Team

10. At what age must a student be invited to the IEP meeting?

Fifteen, or younger if determined appropriate by the IEP team.

CFR 300.322 Parent Participation

11. What additional information must the IEP meeting notice contain for a transition IEP?

The notice must indicate that a purpose of the meeting will be the consideration of the student's postsecondary goals and transition services, that the public agency will invite the student, and other agencies that have been invited to send a representative.

CFR 300.322 Parent Participation

12. Must the IEP include transition services, even if someone other than the school district will provide those services?

The IEP for each child with a disability must include all needed transition services, as identified by the IEP team, regardless of whether the school district or some other agency will provide those services.

CFR 300.43 Transition Services

13. What is the school district's responsibility if another agency fails to provide agreed-upon transition services?

If an agreed-upon service by another agency is not provided, the district must implement alternative strategies to meet the student's needs. This requires that the district provide the services, or convene an IEP meeting as soon as possible to identify alternative strategies to meet the transition services objectives, and to revise the IEP accordingly.

Alternative strategies might include the identification of another funding source, referral to another agency, the identification of other districtwide or community resources that can meet the student's identified needs appropriately, or a combination of these strategies.

CFR 300.324 Development, review, and revision of the IEP

14. Prior to a district inviting a representative from a participating agency, must a parent provide consent?

Yes. The district must get written consent from a parent, or an adult student, prior to inviting a representative of any participating agency that may be responsible for providing or paying for transition services. A copy of the form Consent To Invite Outside Agency for Postschool Transition Services can be found on page 28.

CFR 300.321 IEP Team

15. Under what circumstances must a school district invite representatives from other agencies to an IEP meeting at which a student's transition services will be considered?

The school district must identify all agencies that are likely to be responsible for providing or paying for transition services for each student and must invite each of those agencies to the IEP meeting. If an agency invited to send a representative to a meeting does not do so, the school

district must take other steps to obtain the participation of that agency in the planning of any transition services.

If, during the course of an IEP meeting, the team identifies additional agencies that are likely to be responsible for providing or paying for transition services for the student, the public agency must determine how to obtain participation of the additional agencies in the planning of any transition services.

CFR 300.320 Definition of individualized education program

CFR 300.324 Development, review, and revision of IEP

MEASURABLE POSTSECONDARY GOALS
Measurable postsecondary goals are based on age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills. Clearly specify the desired level of achievement.
Measurable Postsecondary Goal(s) – Education or Training:
Measurable Postsecondary Goal(s) – Employment:
Measurable Postsecondary Goal(s) – Independent Living Skills (if appropriate):

16. What are “Measurable Postsecondary Goals” for students aged 16 and older?

These goals are based on age-appropriate transition assessments and identify the student’s post-school goals related to training or education, employment and, if appropriate, independent living skills. Examples of Measurable Postsecondary Goals can be found on page 29.

17. What is the difference between a measurable postsecondary goal (MPSG) and a measurable annual goal (MAG)?

The MPSGs are goals for what the student wants to do after leaving school. The MAGs address what the student needs in the next 12 months to be involved in and make progress in the general education curriculum.

18. What are the reporting requirements for measurable postsecondary goals?

Prior to graduation or exceeding the age of attendance, the district must provide a Summary of Performance to the student. A Summary of Performance form can be found on page 30.

CFR 300.320 Definition of individualized education program

19. Are IEP progress reports required for measurable postsecondary goals?

No.

20. Should parents continue to be invited to the IEP meeting for a student who has reached the age of majority (18)?

Districts may, but are not required to, provide written prior notice to the parents of an adult student whenever the LEA proposes to initiate or change or refuses to initiate or change the identification evaluation or educational placement of the student or the provision of a Free Appropriate Public Education. If a parent attends the IEP meeting of an adult student, the parent would sign as a general participant, not as the parent.

21. For students who are graduating from high school with a regular diploma or exceeding the age eligibility for special education services, what is the “Summary of Performance”?

This is a summary of the student’s academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals. The OPI has provided a sample form for this requirement which can be found on page 30.

22. What are the school district responsibilities prior to graduation from high school?

Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice. This written prior notice must include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, a description of any other options that the agency considered and the reasons why those options were rejected, a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action, a description of any other factors that are relevant to the agency's proposal or refusal, a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained, and sources for parents to contact to obtain assistance.

The High School Graduation form found on page 31 may be used to meet the requirements listed above.

In addition to providing change in placement notice, the district must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals. A Summary of Performance form can be found on page 30.

CFR 300.102 Limitation—exception to FAPE for certain ages
CFR 300.503 Prior notice by the public agency; content of notice
CFR 300.305 Additional requirements for evaluations and reevaluations

OUTCOME MEASURES FOR 3,4,5, AND 6-YEAR-OLD CHILDREN

The IEP team must address each of the three performance statements below. If this is an INITIAL IEP, rate the child's present level of performance according to the measures on the left. If this is an ANNUAL IEP, rate the child's performance according to the measures on the right.

Do not complete this page if this is an INITIAL IEP for a 6-year-old student.

POSITIVE SOCIAL-EMOTIONAL SKILLS, INCLUDING SOCIAL RELATIONSHIPS**This child's present level of performance:****Initial IEP (for 3, 4, or 5 year olds only)**

☐ Is comparable to same-aged peers

☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

ACQUISITION AND USE OF KNOWLEDGE AND SKILLS, INCLUDING EARLY LANGUAGE, COMMUNICATION AND EARLY LITERACY**This child's present level of performance:****Initial IEP (for 3, 4, or 5 year olds only)**

☐ Is comparable to same-aged peers

☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

USE OF APPROPRIATE BEHAVIORS TO MEET INDIVIDUAL NEEDS**This child's present level of performance:****Initial IEP (for 3, 4, or 5 year olds only)**

☐ Is comparable to same-aged peers

☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

Indicate the assessment procedure(s) used to draw these conclusions:

- | | | |
|--|---|---|
| <input type="checkbox"/> Academic | <input type="checkbox"/> Behavioral | <input type="checkbox"/> Classroom-Based Assessment |
| <input type="checkbox"/> Communication | <input type="checkbox"/> Developmental | <input type="checkbox"/> Observations |
| <input type="checkbox"/> Psychological | <input type="checkbox"/> Social/Emotional | <input type="checkbox"/> Other: (describe) |

23. How does the IEP team determine the child's level of performance in each of the three areas?

The IEP team must conduct assessments and/or review data contained in the child's record.

24. How does the IEP team obtain assessment and outcome measurement information for children who previously participated in an IDEA Part C program?

Obtain information from the parent about prior interventions and document them on the Referral for Comprehensive Evaluation form. The district should use a release of information form to obtain the Individual Family Service Plan (IFSP), as well as information about assessment, outcome measurement, and prior interventions conducted through the IDEA Part C Program.

25. Must the IEP team reassess the child every year?

Yes. The annual IEP for 3, 4, 5, and 6-year-old children will measure and report each child's level of performance for each area.

26. Do these requirements apply to children whose IEP only provides speech and language therapy?

Yes. All children who are 3, 4, or 5 years of age are included in this requirement, regardless of disability category or setting of service.

27. Must the IEP contain Measurable Annual Goals for each performance area?

No. Measurable Annual Goals must address the performance area(s) only if the IEP team decides that the child has needs in one or more of the areas.

28. For this section of the IEP, is parental consent required prior to conducting assessments in the areas of behavior, social/emotional, and communication?

No. Assessments of student progress for the purpose of guiding instruction do not require parental consent. However, when an assessment is conducted for the purpose of determining eligibility under IDEA, written parent consent is required.

PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE AND MEASURABLE ANNUAL GOALS
Special Education/Related Service Area: _____
Describe the academic, developmental and functional strengths and needs of the student and how the disability affects involvement and progress in the general curriculum or, for preschool children, involvement in appropriate activities. Test scores alone are insufficient. Present Levels of Academic Achievement and Functional Performance:

29. What are PLAAFPs?

Present Levels of Academic Achievement and Functional Performance. These replace the previous PLEPs – Present Levels of Educational Performance.

30. What are the standards used to determine if PLAAFPs contain necessary information?

The PLAAFP must:

- address both academic achievement and functional performance;
- provide information about current performance;
- provide the basis for the measurable annual goal (if a level of performance is in the goal, the current level of performance is in the PLAAFP); and
- state how the disability affects involvement and progress in the regular curriculum or for preschool students, involvement in appropriate activities.

A further discussion of PLAAFPS and measurable annual goals can be found on page 36.

Describe academic and functional goals to meet the student's identified needs and enable the student to be involved in and make progress in the general education curriculum. Clearly specify the desired level of achievement.

Measurable Annual Goal (# ____):

31. How do you know if a measurable annual goal is measurable?

The measurable annual goal must have a clear level of performance and must include a means to measure progress (test score, percentage, etc.).

A further discussion of PLAAFPS and measurable annual goals can be found on page 36.

32. If the measurable annual goal does not contain a level of performance but references measurable levels of performance in the short-term objectives and/or benchmarks, does this meet the requirement for a measurable annual goal?

Yes.

Benchmarks or Short-Term Objectives:

(Mark ☒ only if the benchmark or short-term objective will be part of an Extended School Year service.)

33. Are benchmarks and short-term objectives required for all students?

No. Benchmark or short-term objectives are required only for children who take an alternate assessment aligned to alternate achievement standards. In Montana, these are students who take the CRT-Alternate assessment. Short-term objectives and benchmarks may be included in IEPs for students who do not take the CRT-Alternate if the parent and district agree to include them.

34. Do benchmarks and short-term objectives have to be measurable?

Yes. They must meet the same standard for measurability as measurable annual goals.

Date of Progress Report:								
Goal not yet started								
Not expected to meet goal								
Expected to meet goal								
Met goal								

35. When must IEP progress reports on the measurable annual goals be provided to parents?

When report cards are provided by the district or school.

CFR 300.320 Definition of Individualized Education Program**36. If a school sends out mid-quarter/semester and quarter/semester reports for regular education students, must they report on progress toward the measurable annual goals in the IEP at these same intervals?**

If mid-quarter and quarterly reports are sent to the parents of all regular education students, then the school must also report on progress toward the measurable annual goals for students receiving special education services. If, however, mid-quarter and quarterly reports are sent only to the parents of regular education students who are experiencing academic difficulty (as defined by the school), the school would only need to provide reports for students who are experiencing similar difficulties in achieving their measurable annual goals.

CFR 300.320 Definition of Individualized Education Program**37. Is a letter grade on a report card sufficient for reporting on student progress toward annual goals?**

No. A letter grade alone may be insufficient.

38. Is it required that progress toward each short-term objective or benchmark be reported?

No. The IDEA requires only that progress toward the measurable annual goals be reported.

CFR 300.320 Definition of Individualized Education Program

39. Do the requirements for progress reports also apply to measurable annual goals for related services such as speech and language services or occupational therapy?

Yes. Progress reports are required for all measurable annual goals contained within the IEP.

CFR 300.320 Definition of Individualized Education Program

SPECIAL EDUCATION AND RELATED SERVICES				
Special Education and Related Service	Hours per week in Special Education Setting	Special Education Hours per week in General Education Setting	Total Hours per week	Dates of Service (if different from annual IEP dates)

40. Must the IEP specify the amount of special education services or may it simply list the services to be provided?

The amount of services to be provided must be stated in the IEP so parents and other IEP team members know how much of each special education or related service the student is to receive. The amount of a special education or related service to be provided to a student may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the student. A range may not be used because of personnel shortages or uncertainty regarding the availability of staff.

CFR 300.320 Definition of Individualized Education Program

41. What are “Special Education Hours per week in General Education Setting”?

Hours that qualified personnel (special education teacher, speech therapist, etc.) provide special education and related services in the regular education classroom setting.

42. How do we show changes in hours across school years for students moving from an elementary to middle school or to a high school schedule?

The IEP team may use the “Dates of Service” area to identify the different time periods in which the service(s) are to be provided. This method of documentation may also be used for students changing classes across semesters.

43. Is consultation a special education or related service?

Consultation is not a special education or related service. Consultation is not direct instruction of the student and may only be included in the IEP as a support for school personnel.

44. If a related service provider will provide “consultation” for a student by observing that student intermittently throughout the school year, how should this be recorded?

This should be recorded on the Supplementary Aids and Services section of the IEP as a support for school personnel. For example, "OT will consult with teacher on an as-needed basis to teach pencil grip strategies."

45. When must transportation be included in a student's IEP?

Only when transportation has been determined to be a related service. As with other related services, a public agency must provide transportation as a related service if it is required to assist the student to benefit from special education. The public agency must ensure that any transportation service included in a student's IEP as a related service is provided at public expense and at no cost to the parents, and that the student's IEP describes the transportation arrangement.

The IEP team must consider how the student's disability affects the student's need for transportation, including determining whether the student's disability prevents the student from using the same transportation provided to children without disabilities, or from getting to school in the same manner as children without disabilities. If the student is able to use the same transportation or get to school in the same manner as children without disabilities, transportation would not be considered a related service.

LEAST RESTRICTIVE ENVIRONMENT
If the student’s school day or week is shorter or longer than peers without disabilities, explain why:

46. Should this area be completed for a student whose school day or week is shorter because he or she is in preschool or kindergarten?

Only if the student’s school day or week is shorter than peers without disabilities in the same grade level or setting.

SUPPLEMENTARY AIDS AND SERVICES

Regular education classes, other education-related settings, and extracurricular and nonacademic settings, where accommodations/modifications are needed.	Specific accommodations, modifications, supplementary aids and services, assistive technology or other forms of support to enable children with disabilities to be educated with children without disabilities. Include program modifications or supports for teachers, related service providers, transportation providers and others working with this student. <input type="checkbox"/> None Needed
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47. What are some examples of program modifications or supports for school personnel?

Examples include, but are not limited to, providing information on a student's specific disability and implications for instruction; staff training in use of specific positive behavioral interventions; training on how to use a student's communication device or methods for correcting or addressing speech production errors. School personnel can include special and regular education teachers, food service staff, paraeducators, bus drivers, administrators, office staff, etc.

PARTICIPATION IN STATE/DISTRICTWIDE ASSESSMENTS

The student will participate in the **State/Districtwide** assessments in the following manner:
(Check one box for each test.)

CRT Tests (Grades 3-8, 10) ☐ N/A

☐ Without accommodations

☐ With accommodation(s)

☐ CRT-Alternate

Districtwide Tests ☐ N/A

☐ Without accommodations

☐ With accommodation(s)

☐ Alternate Assessment

For students who participate in the CRT-Alternate, the student's IEP must contain benchmarks or short-term objectives.

48. If an accommodation is not in the IEP, but is being used with the student, can it be used in taking state and districtwide assessments?

No, all accommodations to be used in taking state and districtwide assessments must be identified in the IEP. If the accommodation is necessary for state/districtwide assessments, the IEP team must be convened to document the need for the accommodation in the IEP.

ARM 10.56.101 Student Assessment

49. Must a student's IEP contain short-term objectives and benchmarks in years when they are not participating in the CRT-Alternate?

Short-term objectives and benchmarks may be included in IEPs for students who do not take the CRT-Alternate if the parent and district agree to include them.

50. Can a student's IEP contain short-term objectives and benchmarks if the student is younger than grade three?

Short-term objectives and benchmarks may be included in IEPs for students if the parent and district agree to include them.

EXTENDED SCHOOL YEAR
<input type="checkbox"/> Extended School Year services <u>are necessary</u> for the student.
<input type="checkbox"/> Extended School Year services <u>are not necessary</u> for the student.
<input type="checkbox"/> Determination of need for Extended School Year services will be made by: _____ (date)

51. How does the IEP team determine if extended school year services are necessary?

The IEP team shall use recoupment and regression as the criteria for determining eligibility for extended school year services. In the absence of the opportunity to collect data to determine regression, the IEP team may conclude that ESY services are necessary based on observations and other information that suggest regression and difficulty with recoupment may occur. A copy of the technical assistance guide, "Extended School Year" is available on the OPI web page.

NEED FOR REEVALUATION TO DETERMINE ELIGIBILITY
<input type="checkbox"/> The parent and the school district agree that a reevaluation is unnecessary at this time to determine whether the student continues to have a disability and needs special education.
<input type="checkbox"/> A reevaluation is necessary to determine whether the student continues to have a disability and needs special education.
Reevaluations must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.

52. How often must this decision be made?

Every three years from:

- the date of the last determination that a reevaluation is unnecessary or:
- the date of the last determination that the student has or continues to have a disability and needs special education.

The IEP team may choose to make this determination at each annual IEP.

IEP ACCESSIBILITY AND RESPONSIBILITIES

How will each teacher, related service provider, transportation provider and others working with this student be informed of his or her specific responsibilities for implementing this IEP and the accommodations, modifications, and supports that must be provided for this student?

- ☐ Copy of Accommodations/Modifications handout ☐ E-mail ☐ Verbal communication
☐ Other:

53. Should regular education teachers working with a student be given a copy of the IEP to inform them of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications and supports for that student?

If a regular education teacher is given a copy of the IEP, she or he must ensure that confidentiality of the IEP is maintained at all times as in the same manner as other special education records, including storage of and access to the IEP.

Included in this guide is a sample form (Student Accommodations and Modifications) that may be used to inform regular education teachers of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications and supports that must be provided for that student.

CFR 300.323 When IEPs must be in effect
CFR 300.614 Record of access

54. How should paraeducators working with a student be informed of their specific responsibilities related to implementing the IEP and the accommodations, modifications and supports that must be provided for that student?

The special educator supervising the paraeducator must inform the paraeducator of the specific responsibilities related to implementing the IEP. Ongoing follow-up should occur to ensure that the accommodations, modifications and supports are provided in accord with the IEP.

DOCUMENTATION OF PARTICIPATION

The following persons, as indicated by their signatures, have participated in the development of this IEP:

Parent Date

Parent Date

Student Date

Speech/Language Pathologist Date

Administrator or Designee Date

Signature/Position Date

Regular Education Teacher Date

Signature/Position Date

Special Education Teacher Date

Signature/Position Date

55. Who are the required members of the IEP Team?

- The parent(s) of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher of the child or, if appropriate, at least one special education provider of the child;
- An administrator or designee who -
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the regular curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the public agency;
- An individual who can interpret the instructional implications of evaluation results, who may be one of the described members of the team;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- If appropriate, the child.
- To the extent appropriate, with consent of the parents or a child who has reached 18, a representative of any participating agency likely to be responsible for providing or paying for transition services.

CFR 300.321 IEP Team

56. How do schools meet the "regular education teacher" requirements for participation in the IEP for children aged three, four or five who are receiving preschool special education?

If a school district provides regular education to children without disabilities in the age group, then all of the requirements related to IEP development, review, and revision apply as they do in the case of school-age children with disabilities. If a district makes kindergarten available to children without disabilities, then the kindergarten teacher could appropriately be the regular education teacher on the IEP team. Consequently, when a preschool-age child is, or may be, participating in the regular education environment, the district's regular education teacher who would be the child's teacher would participate on the IEP team.

CFR 300.321 IEP Team

57. When must the Procedural Safeguards Notice (Parental Rights brochure) be provided?

- At least once per year
- Upon initial referral or parental request for evaluation
- Upon request by a parent
- Upon the first occurrence of the filing of a complaint with the OPI

58. Who can participate as the "parent" in developing an IEP?

A "parent" is defined as:

- a biological or adoptive parent of a child;
- a guardian, but not the state if the child is a ward of the state;
- a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- a surrogate parent who has been appointed in accordance with CFR 300.519 Surrogate parents; or
- a foster parent.

The biological, or adoptive parent, is presumed to be the parent unless such parent does not have legal authority to make educational decisions.

If a judicial order identifies a specific person (one who qualifies for surrogate appointment) to act as parent to make educational decisions for the child, that person or persons shall be determined to be parent(s) for the child.

CFR 300.30 Parent

CFR 300.519 Surrogate Parents

59. Who can serve as the “Designee” for an Administrator in the IEP meeting?

A representative of the school district who is:

- qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- is knowledgeable about the regular curriculum; and
- is knowledgeable about the availability of resources of the public agency.

The person designated by the public agency must meet these three requirements and be able to act in the role of the administrator. It is important, however, that the agency representative has the authority to commit agency resources and is able to ensure that whatever services are set out in the IEP will actually be provided.

CFR 300.321 IEP Team

60. For a student who is already receiving special education services and related services, if the parent does not sign the IEP at the IEP meeting, can the district continue to provide special education and related services?

When parental consent for annual placement has not been obtained and has not been specifically refused or revoked, the district shall informally attempt to obtain consent from the parent. If parental consent cannot be obtained within a reasonable time, the district shall send written notice to the parent requesting approval and stating that the student with disabilities shall be provided special education and related services according to the student's individualized education program (IEP) as developed by the district 15 days from the date of the notice.

If no response from the parent is obtained, the district shall provide the student special education and related services according to the student's IEP without parental consent subject to the parent's right to an impartial due process hearing.

ARM 10.16.3505 Parental Consent

61. If a parent or other member of the IEP Team participates in the IEP by telephone conference call, how should this be documented?

In the IEP Notes, record that the parent or other member participated by phone. When a copy of the IEP is given to the parent, include an extra copy of the signature page for the parent to sign and return to the district. This signed signature page should then be attached to the IEP.

IEP Meeting Excusal

A required member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to, or discussion of, the member's area of the curriculum or related services if the parent and the local educational agency consent in writing to the excusal. The excused member must submit written input into the development of the IEP to the parent and the IEP Team prior to the meeting.

62. Are there members of the IEP team who cannot be excused from an IEP Team meeting?

No. As long as the excusal is documented prior to the meeting.

CFR 300.321 IEP Team

63. Does a regular education teacher need to be excused from the meeting if a student only has material or method modifications in that teacher's area of the curriculum?

No. As long as not less than one regular education teacher is in attendance. Such modifications as extended time on tests or shortened assignments are not considered modifications of the curriculum.

CFR 300.321 IEP Team

64. What "written input" must the excused IEP Team member provide?

The written input must clearly identify the student's present level of academic achievement and functional performance in the member's area of the curriculum or related services. The sample IEP Team Member Excusal form on page 58 provided by the Office of Public Instruction includes additional information which may be useful in developing the IEP.

65. How far in advance of the IEP meeting must the parent be provided written input by any excused required IEP Team members?

The IDEA 2004 provides no guidance as to the timelines for providing the written input to the parent prior to the meeting.

66. What if the written input is not provided for prior review and consideration by the parent?

The IEP Team member must attend the meeting or the meeting must be rescheduled.

67. How is the excusal from the IEP meeting documented?

A sample IEP Team Member Excusal form on page 58. Any excusal must clearly document the parent's consent for excusal prior to the IEP meeting and the member(s) to be excused. Copies of the written input from excused IEP Team members must be included in the IEP document.

68. When should the request for excusal be presented to the parent?

The request for excusal can be sent at the same time as the IEP meeting invitation. The request may be given to the parent at any time prior to the meeting.

69. What if the parent does not return the request for the excusal of specific required IEP Team members?

The members must attend the IEP meeting or the meeting must be rescheduled.

70. What if the parent does not agree to the excusal of specific required IEP Team members?

The members must attend the IEP meeting or the meeting may be rescheduled.

71. If the parent agrees to the excusal of specific required IEP Team members but does not attend the meeting, must a new request for the excusal of specific IEP Team members be done for the rescheduled IEP meeting?

No.

72. Must the request for excusal identify the members to be excused by name or by area of curriculum or related service?

The best practice is to identify the name and area of curriculum for each member requested to be excused.

73. Can the IEP Excusal form be used to excuse Eligibility Determination Team members?

No. The requirements for Eligibility Team meeting attendance are separate from the requirements for IEP meeting attendance.

IEP NOTES

Meeting Notes, formerly known as Minutes, should be used to record:

- any discussion of options considered, options rejected, and reasons for rejection of proposals for initiating or changing the student's identification, evaluation, educational placement or the provision of FAPE;
- necessary information regarding IEP services not recorded elsewhere in the IEP document; and
- if the meeting was rescheduled, reasons for rescheduling.

The Notes section is not intended to be a recording of the IEP meeting, such as, who attended, when the meeting started, when the meeting ended, or what individuals shared. Information does not need to be in the IEP Notes unless the information is relevant to the development of the IEP and is not recorded in other sections of the IEP.

Common Questions About the IEP Process

74. Can an Individualized Education Plan be changed without an IEP meeting?

Yes. In making changes to the IEP after the annual IEP meeting, the parent and the district may develop a written document to amend or modify the current IEP. The IEP can only be amended or modified during the time that the annual IEP is in effect. The student's IEP must continue to be reviewed annually. An IEP amendment cannot extend the term of the annual IEP.

The district must ensure that all members of the student's IEP Team are informed of the amendment. A sample Amendment of Current IEP form is on page 59.

CFR 300.324 Development, review, and revision of IEP

75. If the parent does not sign the “Amendment of Current IEP” form, can the identified changes be made?

When parental consent for an amendment to the IEP has not been obtained and has not been specifically refused or revoked, the district shall informally attempt to obtain consent from the parent. If parental consent cannot be obtained within a reasonable time, the district shall send written notice to the parent requesting approval and stating that the student with disabilities shall be provided special education and related services according to the IEP Amendment 15 days from the date of the notice.

If no response from the parent is obtained, the district shall provide the student special education and related services according to the student's IEP without parental consent subject to the parent's right to an impartial due process hearings.

76. If a student needs specially designed physical education to participate in physical education classes, must this be included in the student's IEP?

Yes. Students with disabilities must be included in physical education. If a student needs specially designed physical education, the student's IEP must describe the specially designed physical education the student needs. This documentation could include measurable annual goals, a separate physical education course which addresses the curriculum for physical education, and/or accommodations and modifications to an existing physical education class.

CFR 300.108 Physical education

77. What must the new school district do when an IDEA-eligible student enrolls with a current IEP?

When a student transfers from one public school district and enrolls in another, the new district must, in consultation with the parents, provide free appropriate public education, including services comparable to those described in the child's IEP from the former district until the new district either adopts the IEP from the previous district or develops and implements a new IEP.

This decision to adopt the existing IEP should be documented using the Student Transfer Documentation form. Any changes made to the existing IEP should be documented using the Amendment of Current IEP form. If the new school district does not implement the pre-existing IEP, but chooses to amend it or develop a new IEP, it must work with the parents to develop an IEP within a short period of time (normally within one week). A sample Transfer Student Documentation form can be found on page 60.

CFR 300.323 When IEPs must be in effect

78. What if the parent or the new school district believes the existing IEP is not appropriate?

The new school district must continue to provide a free appropriate public education, including providing services comparable to those services in the student's existing IEP. The school district, in conjunction with the parents, then must either amend the IEP or develop a new IEP within a short period of time (normally within one week). The Amendment of Current IEP form on page 59 should be used to adopt or amend the IEP.

79. What must the new school district do when an IDEA-eligible student from another state enrolls with a current IEP and documentation of eligibility from the previous state?

The new school district must continue to provide a free appropriate public education, including providing services comparable to those services in the student's existing IEP. The school district, in conjunction with the parents, then must either amend the IEP or develop a new IEP within a short period of time (normally within one week). The Amendment of Current IEP form on page 59 should be used to adopt or amend the IEP.

The new school district must then decide if it is necessary to conduct an evaluation to determine if the child is eligible as a student with a disability under the eligibility criteria established by Montana administrative rules. This can be documented on the Transfer Student Documentation form.

If the new school district determines that an evaluation is necessary, the evaluation is considered an initial evaluation which requires informed parental consent.

CFR 300.323 When IEPs must be in effect

80. What if the transfer student has an IEP which is more than 12 months old?

The school district must continue to provide a free appropriate public education, including providing services that are comparable to those services in the student's existing IEP. The district must review and, if appropriate, revise the IEP within a short time (normally within one week) after receiving a copy of the student's existing IEP and develop an annual IEP for the student. The Amendment of Current IEP form cannot be used to amend an IEP in this instance since the district must complete an annual review of the IEP.

81. What if a student moves to a new school district and has an Evaluation Report or other documentation of IDEA eligibility, but does not have an IEP?

If the new school has knowledge that the student has a disability and needs special education, but is unable to obtain a copy of the student's IEP within a short period of time (normally one week) the new school district must develop a new IEP.

CFR 300.323 When IEPs must be in effect

82. What if a student enrolls and the parent states that the student has received special education services, but there is no documentation of eligibility available (no Evaluation Report or IEP)?

A transfer student is considered to be a regular education student until the district has knowledge that the student is IDEA eligible and needs an IEP. The district is not considered to have knowledge that the child is IDEA eligible until it receives documentation of the student's eligibility under IDEA. The district may not place a student in special education or provide special education and related services without documentation of eligibility. The district and parent may choose to begin the prereferral process.

CFR 300.323 When IEPs must be in effect

83. Does the Amendment of Current IEP form document the acceptance of the IEP and/or previous evaluation for students who are transferring into a school district?

No. By itself, the Amendment of Current IEP form does not provide adequate documentation of transfer requirements, so the Transfer Student Documentation form must also be used with the Amendment of Current IEP form.

84. Does the student transfer process differ when student's eligibility as a student with a learning disability was determined using Response to Intervention and the student transfers to a district which does not use Response to Intervention to identify students?

The district must treat all IDEA-eligible students who transfer into the district with the same procedure, regardless of method used to establish initial eligibility. The new school district must continue to provide a free appropriate public education, including providing services comparable to those services in the student's existing IEP. The school district, in conjunction with the parents, then must either amend the IEP or develop a new IEP within a short period of time (normally within one week). The Amendment of Current IEP form should be used to adopt or amend the IEP.

85. What timelines apply to the development and implementation of an initial IEP for a student with a disability?

A meeting to develop an IEP for the child must be conducted within 30 days of the initial determination that the child needs special education and related services (30 days from the date of the initial Eligibility Determination meeting.).

300.323 When IEPs must be in effect

86. May IEP meetings be audio or videotape recorded?

State and federal special education rules and statutes do not address the use of audio or video recording devices at IEP meetings, and no federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official.

Any recording of an IEP meeting that is maintained by the public agency is an "education record" within the meaning of the Family Educational Rights and Privacy Act (FERPA), and would be subject to confidentiality requirements.

87. What is the role of a regular education teacher in the development, review and revision of the IEP for a student who is, or may be, participating in the regular education environment?

The regular education teacher must assist with the determination of appropriate positive behavioral interventions and strategies for the student and determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

CFR 300.324 Development, review, and revision of IEP

88. Is it permissible for an agency to have a draft IEP completed before the IEP meeting?

Yes. A district may come to an IEP meeting prepared with evaluation findings and proposed recommendations regarding IEP content, but must make it clear to the parents at the outset of the meeting that the services proposed are only recommendations for review and discussion with the parents. Parents have the right to bring written questions, concerns, and recommendations to an IEP meeting as part of a full discussion of the student's needs and the services to be provided to meet those needs before the IEP is finalized.

89. What is a district's responsibility if it is not possible to reach consensus on which services should be included in a student's IEP?

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding the:

- Child's needs and appropriate goals;
- Extent to which the child will be involved in the regular curriculum and participate in the regular education environment and state and districtwide assessments; and
- Services needed to support that involvement and participation and to achieve agreed-upon goals.

Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs.

The IEP team should work toward consensus, but the district has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. It is **never appropriate** to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must:

- Inform the parents of the district's proposals or refusals, or both, regarding the child's educational program; in this case, provide the parents with a written copy of the IEP that includes not only those items upon which the parents and district agree in addition to those items the district proposes as essential for the provision of FAPE; and
- Advise the parents that they have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

Every effort should be made to resolve differences between parents and school staff through voluntary mediation or some other informal step, without resort to a due process hearing. One informal step the district might offer would be to contact the OPI Early Assistance Program (444-5664). The Early Assistance Program will discuss concerns impartially and suggest strategies to prevent an impasse. However, mediation or other informal procedures may not be used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under IDEA. Similarly, any initiation of due process will begin with a resolution session, at which the district and parent will attempt to resolve the concern before resorting to more intrusive due process procedures.

TRANSITION ASSESSMENTS

What are age-appropriate transition assessments?

Formal and/or informal assessments which:

- provide relevant information about the student in relation to key areas for transition planning
- provide information about the student's current levels of functional performance
- indicate appropriate accommodations to support student success
- provide a basis for measurable postsecondary goals
- provide a basis for measurable annual goals

Transition assessments can provide information about a student's strengths and needs in preparing for

- postsecondary education
- vocational education
- integrated employment – including supported employment
- continuing and adult education
- adult services
- living independently
- community participation
- self-determination
- parenting

What are examples of age-appropriate transition assessments?

Educational—individual classroom-based assessments, grade or schoolwide assessments, academic assessments (reading, written language, mathematics), reports of observations made by teachers, employers, parents or school personnel

Employment—ratings of employability, vocational interest inventories, functional skills assessments, structured assessments in the work setting, evaluations of interview experience, work skills assessments (e.g., punctuality, work completion, social skills, ability to accept criticism, appropriate appearance for work), employer references

Training—Armed Services Vocational Aptitude Battery (ASVAB), computerized skills assessments, Montana Career Information Service (MCIS), Self-determination scales, vocational readiness ratings

Independent Living Skills—daily living skills assessments, assistive technology evaluation, independent living skills assessments

Remember

- Assessments may be formal or informal and are determined by student need.
- Assessments may also overlap in providing information relevant to more than one area required for transition planning.
- Review with colleagues what assessments may already be used in your school.
- Some assessments can be repeated and used for progress monitoring.

RESOURCES FOR TRANSITION ASSESSMENTS

This is not a comprehensive list of transition assessments, and the OPI does not endorse any particular publisher or product.

Education

- Statewide Assessments
- College View www.collegeview.com
- Information from current evaluations such as WIAT II, Woodcock Johnson III, Statewide assessments
- C.I.T.E. Academic Learning Styles www.harding.edu/arc/PDF/CITE.pdf

Employment

- Occupational Aptitude Survey and Interest Schedule (OASIS -3) www.proedinc.com
- Self-Directed Search (Form E): SDS www.self-directed-search.com
- Wide Range Interest and Occupation Test (WRIOT 2) Second edition www.proedinc.com
- ASVAB
- Brigance Employability Skills Inventory www.brigance.net
- Reading Free Vocational Interest Inventory: 2 www.proedinc.com
- Work Adjustment Inventory www.proedinc.com
- Career Game/Red Hot Jobs www.careergame.com
- Career Decision-Making System – Revised www.agsnet.com

Training

- Skills Assessment Module (SAM) www.pineymountain.com
- ASVAB
- Informal Assessments for Transition Planning www.proedinc.com includes Transition Health Care Assessment and Self-Determination/Self-Advocacy Checklist
- Social Skills Rating System (SSRS) www.PearsonAssessments.com

Independent Living Skills

- Checklist of Adaptive Living Skills (CALS) www.riverpub.com
- Skillstreaming Checklist (in Skillstreaming the Adolescent and the Prepare Curriculum) - www.researchpress.com
- Vineland Adaptive Behavior Scales www.agsnet.com
- Brigance Life Skills Inventory www.brigance.net
- Informal Assessments for Transition Planning www.proedinc.com includes Assessment of Financial Skills and Abilities


Assessments which incorporate education, employment, training and independent living skills

- Responsibility and Independence Scale for Adolescents www.riversidepublishing.com
- The Transition Planning Inventory (TPI) www.proedinc.com
- The Transition Behavior Scale www.hes-inc.com
- Enderle-Severson Transition Rating Scale www.estr.net
- Transition Skills Inventory www.proedinc.com
- Informal Assessments for Transition Planning www.proedinc.com includes a) Comprehensive Informal Inventory of Knowledge and Skills for Transition, b) Employability/Life Skills Assessment
- Gates to Adventure (for students who are deaf or partially hearing) www.pepnet.org/train.asp

EXAMPLES OF MEASURABLE POSTSECONDARY GOALS

EDUCATION	<ul style="list-style-type: none"> • John will attend a two-year community college course and gain a qualification in auto body repair. • After graduation from high school, Cassie will complete a one-year course at beauty school. • Within two years of graduation from high school, Jamie will have completed a basic course in culinary arts. • Within two years of graduating from high school, Bobby will have completed an on-line course as a gunsmith.
EMPLOYMENT	<ul style="list-style-type: none"> • Within one year of graduation from high school, Bob will join the Marines. • After graduation from high school, Nica will be employed for at least one year in the local meat packing plant. • After graduation from high school, Jackie will plan self-employment through Voc. Rehab. Services as a Web site designer. • After graduation from high school, Taylor will pursue employment as an apprentice carpenter for at least two years. • After graduation from high school, Jill will work for at least one year as a trainee veterinary technician in order to gain relevant employment experience. • After graduation from high school, Jackson will gain experience in a part-time job related to the food industry.
TRAINING	<ul style="list-style-type: none"> • After graduation from high school, Kelli will attend Job Corps to receive training as a heavy equipment operator. • After graduation from high school, Habib will undertake a 5-month training course in dog grooming. • Ellie will complete a training course as a Certified Nursing Assistant. • Within one year of graduating from high school, Jack will participate in on-the-job training as a painter and decorator.
INDEPENDENT LIVING SKILLS	<ul style="list-style-type: none"> • Kyle will live independently for at least one year in a college dorm or share an apartment with friends. • For one year after graduation from high school, Susan will maintain her current bank account and save at least \$50 a month toward college expenses. • Within one year of graduating from high school, Chris will have achieved his driving license. • Within one year of graduating from high school, Steve will have accessed relevant services from the Developmental Disabilities Program and maintained contact with his case worker.

Written in collaboration with Big Sky Special Needs Cooperative, Conrad, Montana

 Linda McCulloch, Superintendent Montana Office of Public Instruction PO Box 202501 Helena, Montana 59620-2501 www.opi.mt.gov		<h1>Summary of Performance</h1>					
Student's Name		Initials	Birth Date	Age	Gender M F	Grade	Today's Date
District/School		Date of Graduation					
IEP Manager and Phone Number							
Parent(s) Name		Parent(s) Address			Home Phone		
		E-mail:			Work Phone/Cell Phone		
Measurable Postsecondary Goals from most recent IEP:						IEP Date: _____	
Summary of Student's Academic Achievement and Functional Performance:							
Recommendations for Meeting Postsecondary Goals:							

Student Name: _____

IEP Date: _____

HIGH SCHOOL GRADUATION

(check one box)

☐

The IEP team determined that the student **will meet** the district's graduation requirements, **or** will substantially complete the measurable annual goals **and** **will not need** new measurable annual goals. The IEP team **will not** develop a new Individualized Education Program and the student **is** expected to graduate with a regular diploma at the end of the current school year.

☐

The IEP team determined that the student **will not meet** the district's graduation requirements, **or** **will not** substantially complete the measurable annual goals, and **will** need new measurable annual goals for the coming school year. The student **is not** expected to graduate with a regular diploma at the end of the current school year and the IEP team must develop a new Individualized Education Program for the next school year.

Transition Service Area Examples

This area of the IEP form is used to record the plan for a coordinated set of activities and/or strategies that will address the student's transition service needs in each of the seven Transition Service Areas.

TRANSITION SERVICE AREA	TRANSITION SERVICES NEEDED TO ASSIST THE STUDENT IN MEETING POSTSECONDARY GOALS (include timeline for achievement)	PERSON OR AGENCY RESPONSIBLE	ANNUAL GOAL # (If necessary)
Instruction	What academic/lifelong learning skills are necessary for the student to complete needed courses, succeed in the general curriculum and gain needed skills? This should include not only academics, but functional competencies which will help the student benefit from a range of educational and learning opportunities, e.g., safety procedures, self-advocacy skills.		
	Learn about the American with Disabilities Act (ADA) during the 11 th grade	Sped Teacher	2
	Describe his/her disability and self-advocate during the 11 th grade	Student and Sped Teacher	2
	Use various communication modes (e-mail, voicemail, etc.) by the end of 2008-2009 school year	Parent	1
	Demonstrate personal safety (stranger danger, sexually transmitted diseases, etc.) by the end of graduation	School Counselor	3
	If appropriate, take a General Education Development (GED) pre-test by the end of 2007	Sped Teacher	
Employment	What instructional activities, techniques, and services will the student need to help him/her find a desired job or career? The school, businesses, or others can provide the activities and services that the student needs. Some students may need to work on basic employee behaviors to succeed in the workplace such as staying on task, responding appropriately to instructions, and working under pressure. Workplace readiness skills may be gained through part-time (supported or non-supported) employment or involvement in a School to Work program.		
	Participate in two job shadow experiences in different industries during the 11 th grade	Sped Teacher and Student	2
	Complete two practice job interviews during the 11 th grade	Sped Teacher and Parent	2
	Participate in career counseling to learn about job options	Counselor	2
	Work with father during the summers, remodeling and installing gutters	Parent	3
	Learn job skills (first impressions, timeliness, communication, time cards)	Sped Teacher and Employer	1
Community Experiences	What experiences in the community would benefit the student as he/she prepares for life after high school? What organizations and activities in the community would the student enjoy? Recreation activities and team or individual sports may be relevant in this area. Job shadowing, shopping, visiting colleges, opening a bank account and taking responsibility for routine appointments can also be included.		
	Attend a variety of community events (e.g., craft show, concert, ball game) each year	Parent	1

Participate in three class field trips before graduation	Classroom Teacher	2
Volunteer at least one afternoon in two different community organizations by the end of the 2008-2009 school year	Parent and Sped Teacher	

TRANSITION SERVICE AREA	TRANSITION SERVICES NEEDED TO ASSIST THE STUDENT IN MEETING POSTSECONDARY GOALS (include timeline for achievement)	PERSON OR AGENCY RESPONSIBLE	ANNUAL GOAL # (If necessary)
Post-School Adult Living	What competencies will the student need to live as independently as possible? These might include: learning how to apply for college financial aid, voting, paying taxes, renting a home, accessing medical services, passing driver's test, buying a car, completing a vocational rehabilitation referral to determine eligibility for tuition assistance for college, self-advocacy skills at work, etc.		
	Meet with Vocational Rehabilitation (VR) counselor during senior year	Student and VR	3
	Identify health care providers and become informed about sexuality and family planning issues by age 18	Parent	
	Determine the need for financial support (Supplemental Security Income, state financial supplemental programs, Medicare) during senior year	Parent and VR	1
	Assume responsibility for health care needs (making appointments, filling and taking prescriptions, etc.) by graduation	Student	
Related Services	What related services will be needed beyond school? If the student may need rehabilitation counseling, orientation and mobility, physical therapy, assistive technology, etc, the school should identify and link the student with adult agencies or providers before the student leaves school.		
	Register to vote and for selective service (if male) at age 18	Student	
	Orientation and Mobility evaluation will be conducted by the end of the 2008-2009 academic year	Student and Sped teacher	2
	Pursue and use local transportation options <i>outside of family</i> during 2008-2009 school year	Parent and Student	2
	Explore legal status with regards to decision making prior to age of majority	Parent	
Daily Living Skills (if appropriate)	Daily living skills are those activities which adults do every day (e.g., preparing meals, budgeting, maintaining a home, paying bills, scheduling appointments).		
	Take cooking classes and practice cooking skills during each year of high school	Counselor and Parent	3
	Do laundry independently by the end of the 2006-2007 school year	Parent and Student	
	Practice appropriate interpersonal, communication, and social skills for different settings (employment, school, recreation, with peers, etc.) on an ongoing basis before graduation	Student, Sped Teacher, and Parent	1
	Use independent living skills, e.g., budgeting, shopping, cooking, and housekeeping during year prior to graduation	Parent	

TRANSITION SERVICE AREA	TRANSITION SERVICES NEEDED TO ASSIST THE STUDENT IN MEETING POSTSECONDARY GOALS (include timeline for achievement)	PERSON OR AGENCY RESPONSIBLE	ANNUAL GOAL # (If necessary)
Functional Vocational Assessment	Does the IEP team need information about student aptitudes and skills in relation to job and career interests? A functional vocational assessment is information gathered through situational assessment, observations, surveys, interviews, or formal measures, and focuses on practical skills related to job/career aptitudes and skills. Information can be collected about personal social interactions, ability to manage money, mobility, personal hygiene, following directions, ability to complete a task, etc. This assessment may be undertaken by an outside agency or school staff.		
	Gather information from a designated situational vocational assessment site in the community prior to last year of high school	Student and Local Sheltered Workshop Staff	
	Arrange assessment of fine motor skills during final year of high school	Occupational Therapist	2

How to Write Present Levels of Academic Achievement and Functional Performance

Present Levels of Academic Achievement and Functional Performance (PLAAFP) describe a student's level of skill and ability at the time of the IEP. The PLAAFP explains what the student can do and identifies the student's unique needs. The PLAAFP creates a baseline and provides information from which to write measurable annual goals. The PLAAFP should be specific and include units of measurement (number, percentage, prompt level, etc.).

PLAAFP statements must:

- Provide information about current performance;
- Be related to the Measurable Annual Goals; and
- Provide baseline information for the development of Measurable Annual Goals; and
- State how the disability affects the student's involvement and progress in the general curriculum or, for preschool children, involvement in appropriate activities.

Examples of PLAAFP:

- ◆ Jackson can write numbers to 100 and he can add and subtract single digit numbers. Jackson does not consistently use borrowing and carrying, so he has difficulty adding and subtracting multi-digit numbers. His second grade classmates can solve two-digit addition and subtraction problems that require borrowing and carrying, averaging 17 out of 20 correct. Jackson solved 3 out of 20 correctly. Jackson needs to borrow and carry in order to solve higher-level math problems.
- ◆ Given a story starter, June writes three sentences or less and makes approximately twice as many errors (spacing, spelling, punctuation) as she has words. Her classmates are writing 2-3 five-sentence paragraphs. June understands the sequence words, *first*, *next*, and *finally*, however, she is not using them in her writing.

How to Write Measurable Annual Goals

Measurable Annual Goals (MAGs) set the direction for instruction and assist in determining the specific courses, experiences, and skills a student will need. Measurable annual goals and short-term objectives and benchmarks are similar in their design and construction. Each MAG is a desired outcome of performance that predicts how much the student will progress as a result of specialized instruction or intervention. There is a direct relationship between the MAG and the needs identified in the Present Level of Academic Achievement and Functional Performance (PLAAFP). Taken together, the PLAAFP and MAG specify how well the student performs today and how well the student is expected to perform in a year. The MAGs should be written to increase the student's successful participation in the general curriculum and meet the needs that result from the disability.

A well-written MAG should:

- Be measurable without additional information.
- Allow a calculation of how much progress the student has made
- Use the same method of measurement as the PLAAFP;
- Provide a way to measure whether the goal has been accomplished.
- Result in the SAME measurement of progress (has the goal been met)_if measured by different people.

Components of a Goal:

Condition: describes the circumstances under which the behavior will occur and sometimes includes the environment in which the behavior will occur.

Example: "Across all settings, . . . "

Behavior: identifies what is being measured; usually reflects an action or is directly observable, is measurable.

Example: "Ian will read aloud 20 major warning words and symbols (e.g., Stop, Poison, Danger, Hazard, etc.) . . . "

Criterion: identifies the level of performance/behavior/skill required to meet the goal and may include a level of consistency (how often the student must meet the criterion) and will indicate what is success for this measurable annual goal.

Example: "with 95% accuracy."

Use a format: **Under what conditions**, **name of learner**, will **name of behavior** **to a specific criterion and consistency**.

Examples:

Condition	Behavior
When given a verbal cue by an adult, Nica will begin to comply with the cue within 10 seconds	
Criterion	
on 80% of opportunities for 3 consecutive days.	

Condition **Behavior**

Across all settings, Sadie will identify 20 major warning words and symbols (e.g., Stop, Poison.)

Criterion **Consistency**

with 100% accuracy for five consecutive times.

Behavior **Criterion** **Consistency**

Savannah will read a minimum of 75 wpm of a 2nd grade reading passage on 2 out of 3 trials.
(No Condition needs to be specified.)

PLAAFP:

Habib writes a weekly journal entry in the regular classroom scoring 7 out of 50 points, as compared to his classmates who averaged 36 points, using the fourth-grade rubric which measures fluency, content and mechanics. Habib has difficulty with punctuation, sentence structure and composition of an idea.

Measurable Annual Goal:

In 30 weeks, when given a choice of topics, Habib will write a weekly journal entry in the regular classroom setting scoring 40 out of 50 points for a period of four consecutive weeks using the fourth-grade written language rubric.

PLAAFP:

John has creative ideas, but does not understand sentence construction or how to develop paragraphs. He does not use punctuation and capitalization consistently. John received 12 out of 50 points on the district's assessment for expressive writing (the average is 42). His classmates can write the four different sentence types (simple, compound, complex, and compound-complex) correctly and use them in a paragraph and he cannot.

Measurable Annual Goal:

Given a story starter, John will write a six-sentence paragraph using at least three different sentence types scoring 45 out of 50 on the district assessment.

Key Points to Remember:

- MAGs enable the student to make progress in the general education curriculum.
- MAGs address needs identified in the PLAAFP.
- MAGs are statements of anticipated outcomes to be achieved in a year or shorter if the IEP team chooses.
- MAGs are written with high expectations.
- MAGs must be clear since they are used to report on the student's progress.
- Goals are **measurable and meaningful**.

Examples of PLAAFP, MAG and STOB with Comments from OPI Reviewers

Reviewer comments are underlined and bolded. In some instances, suggested re-writes accompany strikeouts with underlined suggestions.

Special Education Service Area: Reading

PLAAFP: Student seems calmer and more settled this year in the school, but she is still stumbling over some of the difficult words in her 6th grade textbooks. **This is not specific enough about what the student is doing and why she needs help. Is she reading at a 6th grade level? What does, “stumbling over” mean?**

MAG: Student word/reading skills will improve with the continued use of Davis Dyslexia techniques. **Will improve to what level? What is the student's current level?**

STOB:

Student will read all stories out loud in an isolated setting with another teacher unless it is a graded reading experience shared with the rest of the class. **Why is student doing this? Is this a STOB or an accommodation? Is she expected to read with a minimum of errors? At what grade level is she reading?**

Student will ~~be able to~~ read all science and social studies sections of the 6th grade reading textbooks with 80% accuracy.

With minimal teacher's guidance, student will implement Davis Dyslexia techniques to assist with her reading skills. **How will you know when this is met?**

Student will read all assignments out loud in an isolated setting with another teacher in an isolated setting. **Why is student doing this? Is this a STOB or an accommodation?**

Special Education Service Area: Reading

PLAAFP: Currently, student is receiving a D average on her daily reading. Student reads slowly and lacks basic phonetic skills. Her oral comprehension skills are high, but she needs to increase her word attack skills and reading fluency (WJ3 = Broad Reading 2.6, SS 82; Basic Reading 2.6, SS 86).

It's better to write out “Woodcock Johnson III” than to use an acronym. Also, what does the number “2.6” mean to the parent? You could include it as “2.6 grade equivalent” to give the parent a reference of what the number means. It is not usually necessary to include scaled scores in the IEP, as they have meaning only to other educators, who can access the test results in the special education file.

MAG: Student will increase her basic reading skills by one year as measured by achievement tests on 11/04.

Or, “Student will score at the 3.5 grade equivalent on the Woodcock Johnson test.” Of course, then you have to give the Woodcock every reporting period to see if she is at a 3.6 level. It is not necessary to include a date unless the date is different from the annual IEP date.

STOB:

Student will ~~be able to~~ read the Dolch sight words to 95% accuracy for 5 trials ~~by 11/04~~.

Given a list of reading vocabulary, student will use strategies to decode words with 90% accuracy ~~up to 11/04~~.

When given a paragraph, student will demonstrate improved fluency, accuracy up to 11/04.

How will you know when this goal is achieved? How much improvement are you looking for?

Student will read one accelerated reader at the appropriate grade level and pass the corresponding test every month up to 11/04.

It is not necessary to include a date unless the date is different from the annual IEP date. This is a good goal and objectives.

Special Education Service Area: Written Language

PLAAFP: Student has also improved in written language. She sometimes missed deadlines/due dates on written work, even with extended time. She needs to continue use of proofreaders and assistive technology devices. Ideas are good, mechanics need work. Her progress may be slowed when not given extended time for writing.

Improved in written language from where to where? (no level given) Which mechanics need work and how is that addressed by the STOB below?

MAG: ~~By graduation in 2004~~, student will earn passing grades on written assignments.

Is a “D” a passing grade and is that acceptable?

STOB:

Student will complete assignments in a timely manner. **How long is “timely”? On due date?**

Student will proofread and revise using assistive devices before handing in work.

Make sure the “assistive devices” are clearly identified and included in the accommodations/modifications.

Student will complete any research paper with a passing grade. “D” or better?

Special Education Service Area: Transition

PLAAFP: Student is a hands-on person who enjoys outdoor activities and computers. She plans to attend a postsecondary school to pursue a career in mechanics, electronics and computers. She needs to complete the required school-to-work paperwork in order to earn her graduation credits.

Good PLAAFP, Benchmarks.

MAG: By graduation, student will complete the necessary requirements to enter the post-secondary school of her choice.

STOB:

Student will complete the school-to-work paperwork to receive two credits required to graduate.

Student will complete any college entrance exams required (ACT, SAT or FAFSA).

Special Education Service Area: Math

PLAAFP: Student is unable to function with peers her age and grade level. Math testing on Woodcock showed a Kgt level (9/03). **What exactly can the student do? “Function with peers” could be anything.**

MAG: Student will increase her functional math skills. **To what level?**

STOB:

Given a situation/problem, student will know when to add or subtract using manipulative devices (i.e., calculator).

Will ~~identify~~ correctly name coins and bills and ~~be able to~~ combine coins to create amount up to \$1 when “buying” something.

Will make correct change up to \$1.

Will learn basic methods of measurement (ruler): inch, feet, measuring cup, practical skills, life skills. **What about, “Student will measure to the inch, foot, and ¼ cup amounts with X% accuracy for X out of X times.”**

Special Education Service Area: Speech

PLAAFP: Student strengths are in her ability to communicate her wants and needs. Student is very bright and is always asking questions to learn more. However, she misarticulates the /s/, /z/, /sh/ and /s/ clusters, which decreases her intelligibility and may cause frustration.

MAG: Student will produce the /s/, /z/, /sh/ and s clusters in sentences.

STOB:

Student will ~~produce~~ say (?) the target phoneme in isolation with 90% accuracy in three consecutive sessions.

Student will produce the target phoneme in all word positions with 90% accuracy in three consecutive sessions.

Student will produce the target phoneme in phrases and sentences with 90% accuracy in three consecutive sessions.

Good PLAAFP/MAG/STOB

Special Education Service Area: Speech

PLAAFP: Student is currently struggling in the classroom. Her language skills continue to be deficient for her age. She has difficulty with expressive and receptive language. She has difficulty with concepts, grammar and understanding how things are associated. **It would be good to know if there are other things she is struggling with, exactly how deficient her language skills are, and the specific difficulties with grammar, expressive language, etc.**

MAG: To increase student's expressive and receptive language skills by one age level. **And what is her current level? (not in PLAAFP)**

STOB:

Student will use correct grammar (complete sentences, possessives, present, present progressive, past and future verb tenses, etc.) during structured activities with the clinician with 80% accuracy in three consecutive sessions.

Student will show, explain or answer questions about ~~demonstrate an understanding of~~ concepts (position, size, quantity, time, sequencing) while with the clinician with 80% accuracy in three consecutive sessions.

Student will label categories when given 3-4 items and identify items that belong to a category when given the label while with the clinician with 80% accuracy in three consecutive sessions.

Good STOB

Special Education Service Area: Speech/Language

PLAAFP: Student's expressive language is limited (approximately 30 words) and babbling during play has the melodic characteristics of speech but few true words. Her understanding of language is below normal for age levels. Her below normal communication skills could affect her involvement in daycare and preschool settings and interactions with peers and adults. **How far below normal is she?**

MAG: To increase student's receptive and expressive communication to ~~appropriate levels for age as measured by the PLS-4 (#) age level.~~

STOB:

Student will ~~identify (by pointing)~~ to named object/picture with 80% accuracy by 11/4/2008.

Dates are not needed in STOB unless they differ from the annual IEP dates.

Student will verbalize on cue objects/pictures with 80% accuracy by 11/4/2008.

Dates are not needed in STOB unless they differ from the annual IEP dates.

Student will use two-word phrase (attribute + object, e.g., "big ball") with 80% accuracy by 11/4/2004. **Dates are not needed in STOB unless they differ from the annual IEP dates.**

Student will remain compliant during activity changes 90% of the time by 11/4/08.

Does "remain compliant" mean "follow directions" or "not spit on clinician"? Dates are not needed in STOB unless they differ from the annual IEP dates.

Student will attend to activities 80% of the time, as judged by clinician, by 11/4/08.

How are you measuring this percentage? Could you have a STOB of "Student will be prompted to participate in therapy activities no more than three times in a 20-minute session (4/5 sessions)."? Dates are not needed in STOB unless they differ from the annual IEP dates.

Special Education Service Area: Speech/Language

PLAAFP: The REEL-2 (Receptive-Expressive Emergent Language Scale -2) was administered on 11/20/07, and based on information from parents, student's receptive age is 14 months, and expressive language at 16 months. Parent reports that student makes needs known by sitting by the desired object and vocalizing/whining. Student can sign "more" and she can imitate simple mouth movements/sounds modeled by clinician. Student does become frustrated when she cannot make needs known. Student would benefit from learning how to communicate her needs to parents, siblings and peers. **Excellent PLAAFP.**

MAG: To increase expressive communication skills to the child's level of potential, as measured by the REEL-2. **This should include yy/mm level, as the PLAAFP does.**

STOB:

Student will exchange PECS/photo symbol for desired object on a consistent basis. **What is a consistent basis? 80%? 100%?**

Student will discriminate between a desired and non-desired PECS/photo in exchange for a desired object on a consistent basis. **Is "discriminate" the same as "choose"?**

Clinician will include a sign to augment auditory presentation.

This sounds like an accommodation, not a student objective.

Student will increase oral motor imitation skills as modeled by clinician for improving proper placement for sound.

Student will increase sound/syllable repertoire, as measured informally.

If you will measure it informally, it's not a STOB.

Student will decrease negative behaviors related to frustration over expressive language deficits.

These three goals specify an increase or decrease but don't tell what you want the student to do when the objective is achieved. How will you know when negative behaviors have decreased? Which negative behaviors?

Good MAGs

Special Education Service Area: Reading

Given a list of fourth-grade-level words with the same phonetic sounds, Amanda will read 110 words per minute with two or fewer errors.

By the end of the first quarter of school, 2008, after independently reading two 3rd grade level stories from the same literary genre (historical fiction, fairy tales, folktales, etc.) for each story, Todd will state the main idea, recall five details, provide one example of cause and effect, and use this information to compare and contrast the two stories.

Special Education Service Area: Written Language

Nadia will identify types of sentences (simple, compound, complex) when editing, scoring 75% on the MCAS Scoring Guide for Standard English Conventions.

Nica will write the letters in the alphabet, her last name and five three-letter words between lines that are two inches apart with 80% accuracy.

Special Education Service Area: Math

Ted will independently identify a set and count objects 1-10 using a variety of objects and settings with 90% accuracy.

The student will apply trigonometric ratios (sine, cosine and tangent) to problem situations involving triangles with 100% accuracy for three assignments.

Special Education Service Area: Life Skills

In response to student selected help-wanted advertisements, Johnny will independently write five letters responding to the advertisements in appropriate business style with 100% accuracy in spelling and punctuation after editing.

Monday through Friday, Jillian will use the public transportation system to get to and from her job placement, independently arriving at work on time, for any five consecutive days.

Special Education Service Area: Transition *(These are not measurable postsecondary goals.)*

Given application forms from three businesses, the student will complete job applications with accurate personal and employment information in all appropriate sections of all three applications.

Special Education Service Area: Social/Behavior

When provided with an agenda book, Jose will independently record his homework assignments in English Language Arts, Math, Social Studies and Science with 100% accuracy for three consecutive weeks.

Brianna will stand at least two feet away from the other person while conversing.



Linda McCulloch, Superintendent
Montana Office of Public Instruction
PO Box 202501
Helena, Montana 59620-2501
www.opi.mt.gov

Individualized Education Program

Student Name	Initials	Birth Date	Age	Gender M F	Grade	Today's Date
District / School	Last Reevaluation					
	IEP Manager and Phone Number					
Parent(s)' Name	Parent(s)' Address				Home Phone	
	E-mail				Work Phone / Cell Phone	
Optional Child Count Information:			Disability Category:		Race and Ethnicity:	

STRENGTHS, EDUCATIONAL CONCERNS AND PREFERENCES/INTERESTS

Strengths, Preferences and Interests - Student's Perspective

Student Strengths

Parents: _____

School Staff: _____

Educational Concerns

Parents: _____

School Staff: _____

CONSIDERATION OF SPECIAL FACTORS

	YES	NO
• Does the student's behavior impede his/her learning or that of others?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student have communication needs?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the student require assistive technology devices or services?	<input type="checkbox"/>	<input type="checkbox"/>
• Has the student been determined to be "Limited English Proficient"?	<input type="checkbox"/>	<input type="checkbox"/>

Any item above checked "Yes" must be addressed in the IEP.

For a student with blindness or visual impairment ☐ N/A

- Does the student need training in orientation and mobility?

If "Yes" is checked, training must be addressed in the IEP.

- Does the student need instruction in Braille or the use of Braille?

If "No" is checked, describe in the notes why instruction in Braille or the use of Braille is not appropriate. This decision must be based on evaluation results.

Student Name: _____	IEP Date: _____
TRANSITION SERVICES For <u>ALL</u> students beginning with the IEP to be in effect when the child is 16 and updated annually thereafter.	
STUDENT'S DESIRED POST-SCHOOL ACTIVITIES: (In the areas of postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation) _____ _____	
RESULTS OF AGE-APPROPRIATE TRANSITION ASSESSMENTS: (<input type="checkbox"/> Results Attached)	
EDUCATION: _____	
EMPLOYMENT: _____	
TRAINING: _____	
INDEPENDENT LIVING SKILLS (if appropriate): _____	
MEASURABLE POSTSECONDARY GOALS	
Measurable postsecondary goals are based on age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills. Clearly specify the desired level of achievement.	
Measurable Postsecondary Goal(s) – Education or Training:	
Measurable Postsecondary Goal(s) – Employment:	
Measurable Postsecondary Goal(s) – Independent Living Skills (if appropriate):	
TRANSFER OF RIGHTS AT AGE OF MAJORITY	
The student has been informed of his or her rights under IDEA that will transfer to the student on reaching the age of majority. The student must be informed at least one year before the student reaches age 18. Date student was first informed of the transfer of rights: _____ Date student reaches the age of majority: _____	

Student Name: _____ IEP Date: _____

Describe below a coordinated set of activities designed within a results-oriented process to:

- a. focus on improving the academic and functional achievement of the student;
- b. directly relate to the student's measurable postsecondary goals and the student's strengths, preferences and interests; and
- c. promote movement from school to post-school settings and activities.

Courses of study needed to assist the student in reaching her or his goal(s):

Anticipated Graduation Date: _____ **Credits earned to date:** _____

Total number of credits required for graduation: _____

School Year	Credit
_____ / _____	_____ / _____
_____ / _____	_____ / _____
_____ / _____	_____ / _____
_____ / _____	_____ / _____
_____ / _____	_____ / _____
TOTAL _____ / _____	

TRANSITION SERVICE AREA	TRANSITION SERVICES NEEDED TO ASSIST THE STUDENT IN MEETING POSTSECONDARY GOALS (include timeline for achievement)	PERSON OR AGENCY RESPONSIBLE	ANNUAL GOAL # (If necessary)
INSTRUCTION	<input type="checkbox"/> Discussed and not needed		
EMPLOYMENT	<input type="checkbox"/> Discussed and not needed		
COMMUNITY EXPERIENCES	<input type="checkbox"/> Discussed and not needed		
POST-SCHOOL ADULT LIVING	<input type="checkbox"/> Discussed and not needed		
RELATED SERVICES	<input type="checkbox"/> Discussed and not needed		
DAILY LIVING SKILLS (IF APPROPRIATE)	<input type="checkbox"/> Discussed and not needed		
FUNCTIONAL VOCATIONAL ASSESSMENT	<input type="checkbox"/> Discussed and not needed		

OUTCOME MEASURES FOR 3,4,5, AND 6-YEAR-OLD CHILDREN

The IEP team must address each of the three performance statements below. If this is an INITIAL IEP, rate the child's present level of performance according to the measures on the left. If this is an ANNUAL IEP, rate the child's performance according to the measures on the right.

Do not complete this page if this is an INITIAL IEP for a 6-year-old student.

POSITIVE SOCIAL-EMOTIONAL SKILLS, INCLUDING SOCIAL RELATIONSHIPS

This child's present level of performance:

Initial IEP (for 3, 4, or 5 year olds only)

- ☐ Is comparable to same-aged peers
- ☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

ACQUISITION AND USE OF KNOWLEDGE AND SKILLS, INCLUDING EARLY LANGUAGE, COMMUNICATION AND EARLY LITERACY

This child's present level of performance:

Initial IEP (for 3, 4, or 5 year olds only)

- ☐ Is comparable to same-aged peers
- ☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

USE OF APPROPRIATE BEHAVIORS TO MEET INDIVIDUAL NEEDS

This child's present level of performance:

Initial IEP (for 3, 4, or 5 year olds only)

- ☐ Is comparable to same-aged peers
- ☐ Is NOT comparable to same-aged peers

Annual IEP (for 3 through 6 year olds)

- ☐ Maintained a level comparable to same-aged peers
- ☐ Reached a level comparable to same-aged peers
- ☐ Improved to a level nearer to same-aged peers, but did not reach that level
- ☐ Improved, but not sufficient to move nearer to a level comparable to same-aged peers
- ☐ Did not improve

Indicate the assessment procedure(s) used to draw these conclusions:

- | | | |
|--|---|---|
| <input type="checkbox"/> Academic | <input type="checkbox"/> Behavioral | <input type="checkbox"/> Classroom-Based Assessment |
| <input type="checkbox"/> Communication | <input type="checkbox"/> Developmental | <input type="checkbox"/> Observations |
| <input type="checkbox"/> Psychological | <input type="checkbox"/> Social/Emotional | <input type="checkbox"/> Other: (describe) |

Student Name: _____						IEP Date: _____		
PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE AND MEASURABLE ANNUAL GOALS								
Special Education/Related Service Area: _____								
<p>Describe the academic, developmental and functional strengths and needs of the student and how the disability affects involvement and progress in the general curriculum or, for preschool children, involvement in appropriate activities. Test scores alone are insufficient.</p> <p>Present Levels of Academic Achievement and Functional Performance:</p>								
<p>Describe academic and functional goals to meet the student's identified needs and enable the student to be involved in and make progress in the general education curriculum. Clearly specify the desired level of achievement.</p> <p>Measurable Annual Goal (# _____):</p> <p>Mark here if the Measurable Annual Goal will be part of an Extended School Year service: <input type="checkbox"/></p>								
Date of Progress Report:								
Goal not yet started								
Not expected to meet goal								
Expected to meet goal								
Met goal								
<p>Describe academic and functional goals to meet the student's identified needs and enable the student to be involved in and make progress in the general education curriculum. Clearly specify the desired level of achievement.</p> <p>Measurable Annual Goal (# _____):</p> <p>Mark here if the Measurable Annual Goal will be part of an Extended School Year service: <input type="checkbox"/></p>								
Date of Progress Report:								
Goal not yet started								
Not expected to meet goal								
Expected to meet goal								
Met goal								
<p>When will progress reports on the measurable annual goal be provided to the parents?</p> <p><input type="checkbox"/> quarterly <input type="checkbox"/> semester <input type="checkbox"/> other:</p>								

Student Name: _____						IEP Date: _____		
PRESENT LEVELS OF ACADEMIC ACHIEVEMENT AND FUNCTIONAL PERFORMANCE, MEASURABLE ANNUAL GOALS AND BENCHMARKS OR SHORT-TERM OBJECTIVES								
Special Education/Related Service Area: _____								
Describe the academic, developmental and functional strengths and needs of the student and how the disability affects involvement and progress in the general education curriculum or, for preschool-aged children, involvement in appropriate activities. Test scores alone are insufficient. Present Levels of Academic Achievement and Functional Performance:								
Describe academic and functional goals to meet the student's identified needs and enable the student to be involved in and make progress in the general education curriculum. Clearly specify the desired level of achievement. Measurable Annual Goal (# _____):								
Date of Progress Report:								
Goal not yet started								
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Expected to meet goal								
Met goal								
Benchmarks or Short-Term Objectives: (Mark <input checked="" type="checkbox"/> only if the benchmark or short-term objective will be part of an Extended School Year service.)								
								ESY <input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
When will progress reports on the measurable annual goal be provided to the parents? <input type="checkbox"/> quarterly <input type="checkbox"/> semester <input type="checkbox"/> other:								

Student Name: _____			IEP Date: _____	
SPECIAL EDUCATION AND RELATED SERVICES				
Special Education or Related Service Area	Hours per week in Special Education Setting	Special Education Hours per week in General Education Setting	Total hours per week	Dates of service (if different from annual IEP dates)
Total Hours:				
PARTICIPATION IN THE REGULAR EDUCATION PROGRAM				
Students ages 6 and above <input type="checkbox"/> Regular Class <i>(In the regular education class at least 80% or more of the day)</i> <input type="checkbox"/> Part-time Special Education <i>(In the regular education class between 40% and 79% of the day)</i> <input type="checkbox"/> Full-time Special Education <i>(In the regular education class less than 40% of the day)</i> <input type="checkbox"/> Separate Day School (public or private) <input type="checkbox"/> Residential Facility (public or private) <input type="checkbox"/> Homebound/Hospital		Students ages 3-5 Early Childhood Setting means a program outside the child's home that includes at least 50% children without disabilities. Examples: Head Start, Kindergarten, Private preschool, group child care. <input type="checkbox"/> Early Childhood Setting (at least 80% of the time.) <input type="checkbox"/> Early Childhood Setting (40% to 79% of the time) <input type="checkbox"/> Early Childhood Setting (less than 40% of the time) <input type="checkbox"/> Special Education Setting - Separate Class (less than 50% children without disabilities) <input type="checkbox"/> Separate Day School (public or private day schools designed specifically for children with disabilities) <input type="checkbox"/> Residential Facility (public or private) <input type="checkbox"/> Home <input type="checkbox"/> Service provider location (received all special education and related services from a service provider, and did not attend other program)		
LEAST RESTRICTIVE ENVIRONMENT				
A student with a disability shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.				
<ul style="list-style-type: none"> The educational placement is based on the student's IEP. The educational placement is as close as possible to the student's home. The educational placement is in the school that the student would attend if he or she did not have a disability. The IEP team considered any potential harmful effect of the educational placement on the student or on the quality of needed services. 			<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> YES</div> <div><input type="checkbox"/> NO</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> YES</div> <div><input type="checkbox"/> NO</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> YES</div> <div><input type="checkbox"/> NO</div> </div> <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> YES</div> <div><input type="checkbox"/> NO</div> </div>	
<u>If "No" is checked,</u> explain why. _____				
If the student's school day or week is shorter or longer than peers without disabilities, explain why. _____				

Student Name: _____		IEP Date: _____
SUPPLEMENTARY AIDS AND SERVICES		
Regular education classes, other education-related settings, and extracurricular and nonacademic settings, where accommodations/modifications are needed.	Specific accommodations, modifications, supplementary aids and services, assistive technology or other forms of support to enable children with disabilities to be educated with children without disabilities. Include program modifications or supports for teachers, related service providers, transportation providers and others working with this student. <input type="checkbox"/> None Needed	
PARTICIPATION IN STATE/DISTRICTWIDE ASSESSMENTS		
The student will participate in the State/Districtwide assessments in the following manner: (Check one box for each test.)		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> CRT Tests (Grades 3-8, 10) <input type="checkbox"/> N/A <input type="checkbox"/> <u>Without</u> accommodations <input type="checkbox"/> <u>With</u> accommodation(s) <input type="checkbox"/> CRT-Alternate* </div> <div style="width: 45%;"> Districtwide Tests <input type="checkbox"/> N/A <input type="checkbox"/> <u>Without</u> accommodations <input type="checkbox"/> <u>With</u> accommodation(s) <input type="checkbox"/> Alternate Assessment </div> </div>		
Identify any test accommodations that must be provided for the student:		
CRT: _____		
Districtwide: _____		
For any student who participates in an alternate assessment describe: Why the child cannot participate in the regular assessment; and		
Why the particular alternate assessment selected is appropriate for the child.		
<p>* The student may not participate in the CRT-Alternate unless the student's demonstrated cognitive abilities and adaptive behavior require substantial adjustments to the regular curriculum; learning objectives and expected outcomes focus on functional application, as shown by the IEP's goals/objectives; <u>and</u> the student requires direct and extensive instruction to acquire, maintain, regularize and transfer skills.</p> <p>For students who participate in the CRT-Alternate, the student's IEP must contain benchmarks or short-term objectives.</p>		
EXTENDED SCHOOL YEAR		
<input type="checkbox"/> Extended School Year services <u>are necessary</u> for the student. <input type="checkbox"/> Extended School Year services <u>are not necessary</u> for the student. <input type="checkbox"/> Determination of need for Extended School Year services will be made by: _____ (date)		

IEP NOTES

Student Name: _____

IEP Date: _____

Supplementary Aids and Services

In order to help this student be successful, you need to be informed of your specific responsibilities related to this student and the specific accommodations, modifications, supplementary aids and services, assistive technology or other forms of support that must be provided for _____ (student name). If you have any questions or need further information, please talk to _____.

This student's strengths are:

These are the accommodations, modifications and supports that must be provided:

The following teachers have been informed of their specific responsibilities related to this student and the accommodations, modifications and supports that must be provided.

<u>Teacher</u>	<u>Subject Area</u>	<u>Date</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



Linda McCulloch, Superintendent
Montana Office of Public Instruction
PO Box 202501
Helena, Montana 59620-2501
www.opi.mt.gov

IEP Team Member Excusal

Student's Name	District / School	Date of IEP Meeting	Today's Date
Name of IEP Team Member to be Excused:	Phone Number	Area of Curriculum/Related Service	

This student's strengths are:

The educational concerns I have about this student are:

The student's present levels of achievement and performance are:

This student needs to work on:

The accommodations/modifications in general education that would help this student are:

PARENTAL APPROVAL

A member of the IEP Team may be excused from attending an IEP meeting when the meeting involves a modification to or discussion of the member's area of curriculum or related services if:

- the parent and the school district consent to the excusal; and
- the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

☐ I approve of this team member's excusal from the IEP meeting.

☐ I do not approve of this team member's excusal from the IEP meeting.

Parent/Adult Student

Date

School Contact

Phone Number

Date Sent



Linda McCulloch, Superintendent
Montana Office of Public Instruction
PO Box 202501
Helena, Montana 59620-2501
www.opi.mt.gov

Amendment of Current IEP

Student Name	Initials	Birth Date	Today's Date
Parent(s) Name	IEP Manager and Phone Number		District/School

The following area(s) of the student's IEP dated _____ have been amended:
Attach a copy of the IEP page(s) or document to show the amendment(s).

- ☐ Consideration of Special Factors
- ☐ Orientation and Mobility/Braille Instruction
- ☐ Adding Special Education Service or Related Service
- ☐ Removing Special Education Service or Related Service
- ☐ Measurable Annual Goals and/or Short-term Objectives/Benchmarks
- ☐ Hours Per Week in Special Education or General Education Setting
- ☐ Participation in State/Districtwide Assessments
- ☐ General Education Accommodations/Modifications
- ☐ Extended School Year
- ☐ Transition Services
- ☐ Behavior Plan
- ☐ Other: _____

Reason for amendment(s):

Date on which the amended changes are to begin: _____

The following persons, as indicated by their signatures, have approved the amendment(s) to the IEP:

Parent	Date	Parent
Student	Date	Special Education Teacher
Administrator or Designee	Date	Speech/Language Pathologist
Regular Education Teacher	Date	School Psychologist
Signature/Position	Date	Signature/Position



Linda McCulloch, Superintendent
Montana Office of Public Instruction
PO Box 202501
Helena, Montana 59620-2501
www.opi.mt.gov

Transfer Student Documentation

Student Name	Initials	Birth Date	Today's Date
Parent(s) Name	Previous District/State		<u>Current</u> District/School Date of Enrollment

Complete this section ONLY for students who transferred within the state of Montana.

The student's IEP from the previous school district was:

- ☐ Implemented without change on _____(date)
☐ Implemented as amended on _____(date)
☐ Not received. A new IEP was developed on _____(date)

Date of most recent annual IEP prior to enrollment: _____

Date of most recent eligibility determination: _____

Complete this section ONLY for students who transferred to Montana from another state.

The student's IEP from the previous school district was:

- ☐ Implemented without change on _____(date)
☐ Implemented as amended on _____(date)
☐ Not received. A new IEP was developed on _____(date)

Date of most recent annual IEP prior to enrollment: _____

On _____(date) it was determined that:

- ☐ the student is eligible to be identified as a student with a disability in the state of Montana.
The student's disability category(ies) is: _____.
- ☐ a comprehensive initial evaluation must be conducted to determine if the student is eligible to be identified as a student with a disability in the state of Montana.

Administrator or Designee

Special Education Teacher

Administrative Rules of Montana (ARM) cited:

ARM 10.16.3505 Parental Consent

(1) The local educational agency shall implement parental consent procedures as described in 34 CFR 300.300 and consistent with this rule.

(2) Written parental consent for initial and annual placement of a student with disabilities in special education and related services shall be obtained by the local educational or public agency prior to the placement.

(a) The local educational agency shall maintain written documentation of the date of parental consent for initial or annual placement.

(b) If the parents and local educational agency cannot agree on the IEP but can agree on certain IEP services or interim placement, the student's new IEP would be implemented in the areas of agreement and the student's last agreed-upon IEP would remain in effect in the areas of disagreement until the disagreement is resolved.

(c) When parental consent for annual placement has not been obtained and has not been specifically refused, the local educational agency shall informally attempt to obtain consent from the parent.

(i) If parental consent cannot be obtained within a reasonable time, the local educational agency shall send written notice to the parent requesting approval and stating that the student with disabilities shall be provided special education and related services according to the student's individualized education program (IEP) as developed by the local educational agency 15 days from the date of the notice.

(ii) If no response from the parent is obtained, the local educational agency shall provide the student special education and related services according to the student's IEP without parental consent subject to the parent's right to an impartial due process hearing under ARM 10.16.3507 through 10.16.3523.

(d) When parental consent for annual placement is refused, the local educational agency shall informally attempt to obtain consent from the parent. If, after exhausting informal attempts, the local educational agency is unable to obtain consent or resolve the disagreement, the local educational agency shall:

(i) provide the parent written notice as required by 34 CFR 300.503; and

(ii) if the local educational agency believes its proposed annual placement is necessary to ensure a free appropriate public education, it shall file a request for special education due process hearing in accordance with ARM 10.16.3507 through 10.16.3523, or take other action necessary to ensure that a parent's refusal to consent does not result in a failure to provide the student with a free appropriate public education.

ARM 10.56.101 Student Assessment (reads in part)

(7) All students shall participate in the state-level assessments. Students with disabilities or limited English proficiency (LEP) shall participate using the approved assessments, unless it is determined that a student's progress toward the content standards cannot be adequately measured with the approved assessments even when provided accommodations.

(a) For students with disabilities, the individualized education program (IEP) teams have the authority to specify accommodations to be provided, as defined in (8) , for participation by the student in the state-level assessment.

(i) When an IEP team determines that an accommodation for a student's disability would still not allow for adequate measurement of the student's progress toward the content standards, the IEP team may waive using the approved state-level assessments by providing alternate assessments that are appropriate to determine the student's progress toward the content standards.

Code of Federal Regulations (CFR) cited:

CFR 300.30 Parent

(a) Parent means--

- (1) A biological or adoptive parent of a child;
- (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- (3) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
- (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (5) A surrogate parent who has been appointed in accordance with §300.519 or section 639(a)(5) of the Act.

(b) (1) Except as provided in paragraph (b)(2) of this section, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(2) If a judicial decree or order identifies a specific person or persons under paragraphs (a)(1) through (4) of this section to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of this section.

CFR 300.43 Transition Services

(a) Transition services means a coordinated set of activities for a child with a disability that--

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes--

- (i) Instruction;
- (ii) Related services;
- (iii) Community experiences;
- (iv) The development of employment and other post-school adult living objectives; and
- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

(Authority: 20 U.S.C. 1401(34))

CFR 300.102 Limitation—exception to FAPE for certain ages

(a) General. The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

(1) Children aged 3, 4, 5, 18, 19, 20, or 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children of those ages.

(2)(i) Children aged 18 through 21 to the extent that State law does not require that special education and related services under Part B of the Act be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility--

(A) Were not actually identified as being a child with a disability under §300.8; and

(B) Did not have an IEP under Part B of the Act.

(ii) The exception in paragraph (a)(2)(i) of this section does not apply to children with disabilities, aged 18 through 21, who--

(A) Had been identified as a child with a disability under §300.8 and had received services in accordance with an IEP, but who left school prior to their incarceration; or

(B) Did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability under §300.8.

(3)(i) Children with disabilities who have graduated from high school with a regular high school diploma.

(ii) The exception in paragraph (a)(3)(i) of this section does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.

(iii) Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

(iv) As used in paragraphs (a)(3)(i) through (a)(3)(iii) of this section, the term regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED).

(4) Children with disabilities who are eligible under subpart H of this part, but who receive early intervention services under Part C of the Act.

(b) Documents relating to exceptions. The State must assure that the information it has provided to the Secretary regarding the exceptions in paragraph (a) of this section, as required by §300.700 (for purposes of making grants to States under this part), is current and accurate.

300.108 Physical education

The State must ensure that public agencies in the State comply with the following:

(a) General. Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

(b) Regular physical education. Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless--

(1) The child is enrolled full time in a separate facility; or

(2) The child needs specially designed physical education, as prescribed in the child's IEP.

(c) Special physical education. If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.

(d) Education in separate facilities. The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.

CFR 300.305 Additional requirements for evaluations and reevaluations

(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must--

(1) Review existing evaluation data on the child, including—

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and

(iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--

(i)(A) Whether the child is a child with a disability, as defined in §300.8, and the educational needs of the child; or

(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;

(ii) The present levels of academic achievement and related developmental needs of the child;

(iii)(A) Whether the child needs special education and related services; or

(B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and

(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

(b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) Source of data. The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

(d) Requirements if additional data are not needed.

(1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—

(i) That determination and the reasons for the determination; and

(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

(e) Evaluations before change in eligibility.

(1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

(3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

(Authority: 20 U.S.C. 1414(c))

CFR 300.320 Definition of individualized education program

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and that must include--

(1) A statement of the child's present levels of academic achievement and functional performance, including--

(i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2)(i) A statement of measurable annual goals, including academic and functional goals designed to--

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

(3) A description of--

(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child--

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

- (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;
 - (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and
 - (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why--
 - (A) The child cannot participate in the regular assessment; and
 - (B) The particular alternate assessment selected is appropriate for the child; and
 - (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.
 - (b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include--
 - (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) The transition services (including courses of study) needed to assist the child in reaching those goals.
 - (c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.
 - (d) Construction. Nothing in this section shall be construed to require--
 - (1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or
 - (2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.
- (Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))

CFR 300.321 IEP Team

- (a) General. The public agency must ensure that the IEP Team for each child with a disability includes--
 - (1) The parents of the child;
 - (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
 - (4) A representative of the public agency who--
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general education curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the public agency.

- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) Whenever appropriate, the child with a disability.
- (b) Transition services participants. (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).
- (2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.
- (3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
- (c) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.
- (d) Designating a public agency representative. A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.
- (e) IEP Team attendance.
- (1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
- (2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if--
- (i) The parent, in writing, and the public agency consent to the excusal; and
- (ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.
- (f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.
- (Authority: 20 U.S.C. 1414(d)(1)(B)-(d)(1)(D))

CFR 300.322 Parent Participation

- (a) Public agency responsibility—general. Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including--
- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually agreed on time and place.

- (b) Information provided to parents. (1) The notice required under paragraph (a)(1) of this section must--
- (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).
- (2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must--
- (i) Indicate--
 - (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and
 - (B) That the agency will invite the student; and
 - (ii) Identify any other agency that will be invited to send a representative.
 - (c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation).
 - (d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as--
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents and any responses received; and
 - (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
 - (e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
 - (f) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent.
- (Authority: 20 U.S.C. 1414(d)(1)(B)(i))

CFR 300.323 When IEPs must be in effect.

- (a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.
- (b) IEP or IFSP for children aged three through five.
 - (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at

least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is--

(i) Consistent with State policy; and

(ii) Agreed to by the agency and the child's parents.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must--

(i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

(ii) If the parents choose an IFSP, obtain written informed consent from the parents.

(c) Initial IEPs; provision of services. Each public agency must ensure that--

(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and

(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

(d) Accessibility of child's IEP to teachers and others. Each public agency must ensure that--

(1) The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and

(2) Each teacher and provider described in paragraph (d)(1) of this section is informed of--

(i) His or her specific responsibilities related to implementing the child's IEP; and

(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(e) IEPs for children who transfer public agencies in the same State. If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either--

(1) Adopts the child's IEP from the previous public agency; or

(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§300.320 through 300.324.

(f) IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency--

(1) Conducts an evaluation pursuant to §§300.304 through 300.306 (if determined to be necessary by the new public agency); and

(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§300.320 through 300.324.

(g) Transmittal of records. To facilitate the transition for a child described in paragraphs (e) and (f) of this section--

(1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records

relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and

(2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

(Authority: 20 U.S.C. 1414(d)(2)(A)-(C))

CFR 300.324 Development, review, and revision of IEP

(a) Development of IEP. (1) General. In developing each child's IEP, the IEP Team must consider--

(i) The strengths of the child;

(ii) The concerns of the parents for enhancing the education of their child;

(iii) The results of the initial or most recent evaluation of the child; and

(iv) The academic, developmental, and functional needs of the child.

(2) Consideration of special factors. The IEP Team must--

(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

(v) Consider whether the child needs assistive technology devices and services.

(3) Requirement with respect to regular education teacher. A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of--

(i) Appropriate positive behavioral interventions and supports and other strategies for the child; and

(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with §300.320(a)(4).

(4) Agreement. (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.

(5) Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

(6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

(b) Review and revision of IEPs. (1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team--

(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the IEP, as appropriate, to address--

(A) Any lack of expected progress toward the annual goals described in §300.320(a)(2), and in the general education curriculum, if appropriate;

(B) The results of any reevaluation conducted under §300.303;

(C) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);

(D) The child's anticipated needs; or

(E) Other matters.

(2) Consideration of special factors. In conducting a review of the child's IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.

(3) Requirement with respect to regular education teacher. A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.

(c) Failure to meet transition objectives. (1) Participating agency failure. If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

(2) Construction. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

(d) Children with disabilities in adult prisons. (1) Requirements that do not apply. The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(i) The requirements contained in section 612(a)(16) of the Act and §300.320(a)(6) (relating to participation of children with disabilities in general assessments).

(ii) The requirements in §300.320(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

(2) Modifications of IEP or placement. (i) Subject to paragraph (d)(2)(ii) of this section, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

(ii) The requirements of §§300.320 (relating to IEPs), and 300.112 (relating to LRE), do not apply with respect to the modifications described in paragraph (d)(2)(i) of this section.

(Authority: 20 U.S.C. 1412(a)(1), 1412(a)(12)(A)(i), 1414(d)(3), (4)(B), and (7); and 1414(e))

CFR 300.503 Prior notice by the public agency: content of notice

- (a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency--
- (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
 - (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- (b) Content of notice. The notice required under paragraph (a) of this section must include--
- (1) A description of the action proposed or refused by the agency;
 - (2) An explanation of why the agency proposes or refuses to take the action;
 - (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
 - (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
 - (7) A description of other factors that are relevant to the agency's proposal or refusal.
- (c) Notice in understandable language. (1) The notice required under paragraph (a) of this section must be--
- (i) Written in language understandable to the general public; and
 - (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure--
- (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - (ii) That the parent understands the content of the notice; and
 - (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.
- (Authority: 20 U.S.C. 1415(b)(3) and (4), 1415(c)(1), 1414(b)(1))

300.519 Surrogate parents

- (a) General. Each public agency must ensure that the rights of a child are protected when--
- (1) No parent (as defined in §300.30) can be identified;
 - (2) The public agency, after reasonable efforts, cannot locate a parent;
 - (3) The child is a ward of the State under the laws of that State; or
 - (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)).
- (b) Duties of public agency. The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method--

- (1) For determining whether a child needs a surrogate parent; and
- (2) For assigning a surrogate parent to the child.
- (c) Wards of the State. In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child's case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section.
- (d) Criteria for selection of surrogate parents. (1) The public agency may select a surrogate parent in any way permitted under State law.
- (2) Public agencies must ensure that a person selected as a surrogate parent--
 - (i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;
 - (ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
 - (iii) Has knowledge and skills that ensure adequate representation of the child.
- (e) Non-employee requirement; compensation. A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.
- (f) Unaccompanied homeless youth. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d)(2)(i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.
- (g) Surrogate parent responsibilities. The surrogate parent may represent the child in all matters relating to--
 - (1) The identification, evaluation, and educational placement of the child; and
 - (2) The provision of FAPE to the child.
- (h) SEA responsibility. The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.

CFR 300.614 Record of access

Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.